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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/088,737	06/02/1998	RYUZO KOANA	862.2339	2096
5514	7590	04/26/2004		
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER POON, KING Y	
			ART UNIT 2624	PAPER NUMBER 35
DATE MAILED: 04/26/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/088,737

Applicant(s)

KOANA, RYUZO

Examiner

King Y. Poon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2004, and 2/9/2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 36-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 36-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 June 1998 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/12/2004, and 2/9/2004 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 36-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lobiondo (US 5,287,194) and incorporated references Evanitsky et al. (US 5,045,880, see column 4, lines 40-45, Lobiondo) and Filion et al (US 5,036,361, see column 6, lines 45-50, Lobiondo) in view of Nakai et al (US 6,081,342).

Regarding claim 36: Lobiondo teaches a data processing apparatus (workstation, column 3, lines 30-35) having a printer driver (scheduler, column 3, lines 35-50) for generating print data (sending part of a print job to a printer, column 4, lines 60-61, the part of a print job being sent is print data generated by the scheduler) in accordance

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with a print request (request, column 3, lines 55-60) issued by an application program (the print job program, column 4, lines 39-40, also see column 3, lines 30-50, lines 55-58) and assigning the generated print data (column 4, lines 55-58) to one of a plurality of image output apparatuses (10, fig. 1, column 3, lines 20) and communicates with the plurality of image output apparatus via a network (column 3, lines 20-25) the data processing apparatus comprising: limiting means (the program that allowing user enters a print job, column 4, lines 39-45, Lobiondo, also see 428, fig. 13, 442-0 to 442-N, fig. 14, and column 12, lines 10-20, Evanitsky) for limiting selection conditions, (e.g., 64% to 142%, fig. 14, of Evanitsky; allowing user to select paper tray 2, and 3, but not 1, column 12, lines 20-25, column 12, lines 35-36, Evanitsky represented the limits of the range for selection) which are associated with printing and capable of being designated by an operator; control means (the display program for controlling the display to generate light signals) for controlling a display device to display the selection conditions limited by the limiting means in a form such that the operator can designate a desired selection condition; and constructing means (the program that is controlling the communication of the workstation and the communication link 20, column 3, lines 15-25, column 3, lines 40-45) for constructing within the data processing apparatus, a plurality of logical interfaces, (communication channels of communication link 20, column 3, lines 20-25) for transmitting the print data directly to one of the plurality of image output apparatuses (10, fig. 1, column 3, lines 20) via the network, each of the plurality of logical interfaces respectively corresponding to the plurality of image output apparatuses, (column 3, lines 23-26) wherein the generated print data is assigned to

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one of the plurality of image output apparatuses that is selected based on a selection condition designated by the operator (column 3, lines 50-65) and information which is stored in advance (column 4, lines 63-68, column 4, lines 1-15) and which indicates print functions of the plurality of image output apparatuses.

Lobiondo does not teach limiting means for limiting selection conditions of functions provided by the plurality images output apparatus within a range so defined that at least one of the plurality of image output apparatus satisfies a selection condition that can be designated by the operator among the limited selection conditions, the range being represented by a sum of functions of the functions provided by each respective one of the plurality of image output apparatus on the network.

Nakai, in the same area of operator selecting functions of a plurality image output apparatus (column 16, lines 33-37, column 14, lines 25-30), teaches limiting means (the program or device that controls the display of functions of the image forming apparatus that is having the greatest number of image processing functions, column 17, lines 15-22, column 17, lines 55-60) for limiting selection conditions of functions provided by the plurality images output apparatus within a range so defined that at least one of the plurality of image output apparatus satisfies a selection condition that can be designated by the operator among the limited selection conditions, (column 17, lines 55-61) the range being represented by a sum of functions of the functions (table 2, column 16, column 17) provided by each respective one of the plurality of image output apparatus on the network.

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Lobiondo's limiting means to include: limiting selection conditions of functions provided by the plurality images output apparatus within a range so defined that at least one of the plurality of image output apparatus satisfies a selection condition that can be designated by the operator among the limited selection conditions, the range being represented by a sum of functions of the functions provided by each respective one of the plurality of image output apparatus on the network.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Lobiondo's limiting means by the teaching of Nakai because of the following reasons: (a) it would have allowed the user to select a function that is not provided in an image output apparatus but in others (column 18, lines 10-40); and (b) it would have allowed users to selected a function from all of the functions available to the users from all of the image output apparatus to save time from checking each individual image output apparatus.

Regarding claim 37: Lobiondo teaches generating means for generating a plurality of lists (the list of type of document, time the work is desired to be finished, column 3, lines 50-60) in a case where a plurality of selection conditions are designated by the operator, (user, column 3, line 56) the plurality of lists respectively corresponding to the plurality of designated selection conditions and each of the lists including one or more image output apparatuses satisfying the corresponding selection condition; (column 4, lines 50-57) and selecting means (the program that selects available printers

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for printing the print job, column 4, lines 50-57) for selecting an image output apparatus satisfying the plurality of designated selection conditions based on the plurality of lists generated by the generating means. (Column 4, lines 40-60)

Regarding claim 38: Lobiondo teaches message display means (fig. 13, fig. 14, Evanitsky) for displaying a message (e.g., reduce/enlarge preset, fig. 14) asking the operator to designate a desired selection condition; acquiring means (the software that is responsible for capability and availability of each printer, column 3, lines 64-68) for acquiring job control data from each of the plurality of image output apparatuses in a case where a selection condition designated by the operator designates to select an image output apparatus which completes an assigned print job in a shortest time (fastest printer, column 4, lines 50-55); predicting means (the software of the scheduler that determining whether a printer can complete a job on time, column 4, lines 55-56, Lobiondo, column 6, lines 45-50) for predicting, for each of the plurality of image output apparatuses, a time required to complete a print job assigned thereto; selecting means (the program of the scheduler that selects a printer, column 4, lines 50-63) for selecting an image output apparatus which will complete an assigned print job in a shortest time based on the prediction result (column 4, lines 50-55) obtained by the predicting means; and window generating means (user interface, column 6, lines 45-50) for generating a window showing a list of print wait times (column 9, lines 5-15, Filion, abstract) with respect to each print job which has been assigned to the image output apparatus selected by the selecting means.

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Regarding claim 39: Lobiondo teaches assigning means (the program that controls the allocation of print jobs, column 4, lines 55-60) for assigning a print job, including the print data, to one of the plurality of image output apparatuses based on the selection condition designated by the operator; (column 3, lines 50-69) converting means (modems, column 3, line 24-25) for converting (modulates) the print data to conform to the image output apparatus to which the print job is assigned by the assigning means; and transmitting means (the function part of the modem that send data onto a telephone line, column 3, lines 20-30) for transmitting the print data converted by said converting means (modem, column 3, line 24) to the image output apparatus (printer, column 3, line 25) through the logical interface (communication channels, column 3, line 25-26) corresponding to the assigned image output apparatus constructed by the constructing means (the program that is controlling the communication of the workstation and the communication link 20, column 3, lines 15-25, column 3, lines 40-45).

Regarding claim 48: Lobiondo teaches selecting means for selecting one of plurality image forming apparatus based on priorities set in advance in a case where a plurality of image output apparatuses satisfy the selection condition designated by the operator. (The priorities are set to the fastest available printer, column 4, lines 50-65)

Regarding claims 40-43, 49: Claims 40-43, 49 are claiming method steps for the operation of the apparatus discussed in claims 36-39, 48. Please see discussion on claims 36-39, 48.



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Regarding claims 44-47, 50: Lobiondo teaches the program discussed in claims 40-43, 49 is stored in a workstation/PC. (Column 3, lines 25-35, 40-45). A workstation or a PC is inherently having a memory medium for storing program codes. Please also see discussion on claims 44-47.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 36-50 have been considered but are moot in view of the new ground(s) of rejection.

With respect to applicant's argument that applied references do not teach limiting means for limiting selection conditions of functions provided by the plurality images output apparatus within a range so defined that at least one of the plurality of image output apparatus satisfies a selection condition that can be designated by the operator among the limited selection conditions, the range being represented by a sum of functions of the functions provided by each respective one of the plurality of image output apparatus on the network, has been considered.

In reply: Newly applied reference, Nakai, in the same area of operator selecting functions of a plurality image output apparatus (column 16, lines 33-37, column 14, lines 25-30), teaches limiting means (the program or device that controls the display of functions of the image forming apparatus that is having the greatest number of image processing functions, column 17, lines 15-22, column 17, lines 55-60) for limiting selection conditions of functions provided by the plurality images output apparatus within a range so defined that at least one of the plurality of image output apparatus

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satisfies a selection condition that can be designated by the operator among the limited selection conditions, (column 17, lines 55-61) the range being represented by a sum of functions of the functions (table 2, column 16, column 17) provided by each respective one of the plurality of image output apparatus on the network.

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Lobiondo's limiting means to include: limiting selection conditions of functions provided by the plurality images output apparatus within a range so defined that at least one of the plurality of image output apparatus satisfies a selection condition that can be designated by the operator among the limited selection conditions, the range being represented by a sum of functions of the functions provided by each respective one of the plurality of image output apparatus on the network.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Lobiondo's limiting means by the teaching of Nakai because of the following reasons: (a) it would have allowed the user to select a function that is not provided in an image output apparatus but in others (column 18, lines 10-40); and (b) it would have allowed users to selected a function from all of the functions available to the users from all of the image output apparatus to save time from checking each individual image output apparatus.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to King Y. Poon whose telephone number is (703) 305-0892

April 21, 2004

King Y. Poon